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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

- - -

Ru-El Sailor,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 1:22-CV-00660
)	
City of Cleveland, et al.)	
)	
Defendant.)	

- - -

Transcript of audio recorded jail call,
John Williams - Disk 3 - Call 119, between
Ru-El Sailor, Amy Sailor and Kyle Swenson, on
June 17, 2016.

- - -

EXHIBIT
M

PROCEEDINGS

AUTO ATTENDANT: For English, for a collect call, please enter your 7 digit inmate ID number followed by your 4 digit PIN number now. Your current balance is \$7.72.

Please enter the area -- please hold. Please wait while your call is being connected.

Hello. This is a prepaid debit call from an inmate at the Ohio State Penitentiary. To accept this call -- press zero to refuse this call. This call is from a correction facility and is subject to monitoring and recording. Thank you for using GTL.

MR. SAILOR: Hello?

MR. SWENSON: Hey, hey. Yeah, we were just --

MR. SAILOR: Hey.

MR. SWENSON: Amy and I were just -- I'm going to use what's on the affidavit, because, you know, that Cordell told you afterwards. So that's in the legal document, so we should just roll with that, I mean, because that's verified in the legal document. That's what I'm going to go with.

1 MR. SAILOR: All right.

2 MR. SWENSON: Because the thing is,
3 like you said, if that's what, you know,
4 Cordell had said, you don't want to contradict
5 him. There's no problem with that.

6 MR. SAILOR: Right and I'm saying,
7 the only reason why like -- the only reason
8 why it never came out before, man, because
9 like, we didn't know the legal reactions
10 behind it; you know what I'm saying? I never
11 knew, like, they would try to tell you, oh you
12 knew then, you were an accomplice. You just
13 guilty as the person that did it; you know I'm
14 saying? I never knew all that until Kim
15 explains it to me; you know I'm saying?

16 He was like, well, it's out there that
17 you pretty much perjured yourself, anyway; you
18 know I'm saying, about me, and that I left --
19 The only thing they said that perjures in my
20 testimony is that they said me and Cordell was
21 riding together, and we wasn't. You see what
22 I'm saying? Anything outside of that is
23 pretty much all the same; you know what I'm
24 saying? Ride with Will --

25 MR. SWENSON: Uh-huh. Did you --

1 MR. SAILOR: Huh?

2 MR. SWENSON: Yeah, why did you
3 decide to say that, to say that he was with
4 you, just to have his back?

5 MR. SAILOR: I mean, it was more
6 so like, 'cause if I said, I felt like by me
7 being innocent, and knowing I wasn't there and
8 they didn't have anything proving I was there,
9 it just felt like for me to say anything
10 different was just like throw him under the
11 bus still.

12 MR. SWENSON: Uh-huh. Okay, I got
13 you, I got you, I got you. I got you. Cool.

14 AUTO ATTENDANT: This call is
15 originating from an Ohio Correctional Facility
16 and may be recorded and monitored.

17 MR. SWENSON: Like I was saying,
18 that was kind of it, man. That was the only,
19 like, last moment I wanted to get through with
20 you guys. But that's great news today about
21 this stuff. It's really good --

22 MR. SAILOR: That's great news.
23 So when you called down there, was they
24 receptive with what you were saying? Were
25 they open with you and stuff, and talking to

1 you?

2 MR. SWENSON: No, I mean, you can't
3 even get them on the phone, you know. So I
4 had to go through the spokesman and I emailed
5 them earlier in the week, like Monday, and I
6 heard nothing. And, you know, they'll do that
7 if they don't want to answer a question,
8 they'll just ignore you. So I just kept
9 emailing and being like (inaudible) --

10 MR. SAILOR: Right, because
11 they've been ignoring Amy since the beginning.
12 Like they never called her back.

13 MR. SWENSON: Yeah. Well, with me,
14 I mean, it's a little different, because I was
15 like, look, this story's coming out, whether
16 you say something about it or not, it's going
17 to look worse if you don't talk.

18 MR. SAILOR: Right.

19 MR. SWENSON: So then finally they
20 got back and they were like, oh, well, you
21 know, we had -- because that's what I was
22 putting to them, too. I was like, why was
23 this rejected? What was the reason? You
24 know, what steps went through to investigate
25 this? And they were like, all right, well, so

1 we had initially rejected it. And what they
2 said was because, you know, your account in
3 the application was different from what was
4 said at trial. But that doesn't make any
5 sense because that's --

6 MR. SAILOR: That's bullshit.

7 MR. SWENSON: -- it says that in --
8 it says that in the application, that's what
9 the application said. But then they said, you
10 know, but, you know, upon further discussion,
11 we've decided to reinvestigate it. So, yeah,
12 I mean, that's good, and an interesting
13 development for sure. So, I mean --

14 MR. SAILOR: They trying to cover
15 their ass.

16 MR. SWENSON: That gives us
17 something to press them on. Yeah, but that
18 gives us something to press them on, and
19 especially your lawyer too, like moving ahead
20 because you can be like, look, you told the
21 press, and it's in the newspaper and the Scene
22 article that you reinvestigated it. So what's
23 the deal?

24 MR. SAILOR: Right.

25 MR. SWENSON: What are you doing to

1 reinvestigate it? Like what? So I was really
2 surprised. I think that's really a positive
3 move. So yeah.

4 MR. SAILOR: Yeah, I appreciate
5 that. Would you be able to speak to Bill?

6 MR. SWENSON: No, not yet.

7 AUTO ATTENDANT: This call is
8 originating from an Ohio Correctional Facility
9 and may be recorded and monitored.

10 MR. SWENSON: No, there's just too
11 much. I mean, I'm going to put in the
12 polygraph and the results and stuff like that,
13 and how he went to bat with you all. But
14 there's so much information, you know, I don't
15 need to put that part, like him, specifically,
16 in there, but I got enough already as it is.

17 MR. SAILOR: Okay.

18 MR. SWENSON: So, but I'm going to
19 get hopping, 'cause I'm still working on
20 putting it together, but I will. What's your
21 phone situation on Monday looking like?

22 MR. SAILOR: Monday.

23 MS. SAILOR: Monday morning.

24 MR. SWENSON: Monday morning?

25 MR. SAILOR: Talking about in the

1 morning?

2 MR. SWENSON: You guys want to call
3 me one more time then on Monday morning and
4 touch base?

5 MR. SAILOR: Yeah, of course.

6 MS. SAILOR: It's until 10:30. So
7 he'll be out pretty early, but we'll wait
8 until --

9 MR. SAILOR: I'll be out from
10 eight to ten, eight to 10:30.

11 MR. SWENSON: Yeah, let's do nine.
12 Nine o'clock is fine. If you just call at
13 nine.

14 MR. SAILOR: All right.

15 MS. SAILOR: Okay.

16 MR. SWENSON: Or around then.

17 MR. SAILOR: So Kyle, so you're
18 saying it should come out this Wednesday?

19 MR. SWENSON: Wednesday, yeah.
20 It'll come on Wednesday.

21 MR. SAILOR: Would you be able to
22 send Amy a copy beforehand, or we all see it
23 Wednesday?

24 MR. SWENSON: No, no, you guys,
25 yeah, we don't like put anything out

1 beforehand.

2 MR. SAILOR: Oh, okay.

3 MR. SWENSON: But I can go over it
4 with you guys on Monday, you know, because by
5 Monday it'll all be pretty much set, or, you
6 know, except for the last little thing. So I
7 can let you guys know how, like, what the
8 setup will be and how it goes through on
9 Monday.

10 MR. SAILOR: All right, was that
11 photo cool?

12 MR. SWENSON: Yeah, yeah, that
13 worked, it worked. And we got the picture of
14 you and Cordell and Will, you know, I got that
15 picture from Amy, which is great because that
16 really highlights it, you know, different.

17 MR. SAILOR: Yeah.

18 MR. SWENSON: But anyway, I'm going
19 to get going, but I'll talk to you guys on
20 Monday then.

21 MR. SAILOR: Alright.

22 MS. SAILOR: Okay. Thanks.

23 MR. SAILOR: Alright, thanks pal,
24 I appreciate it.

25 MR. SWENSON: Thank you. Take care,

1 El.

2 MS. SAILOR: Okay, bye.

3 MR. SWENSON: Bye.

4 MS. SAILOR: Hold on. No, it
5 comes in the mail tomorrow. Hello?

6 MR. SAILOR: Yeah.

7 MS. SAILOR: Yeah. Guess what I
8 made?

9 MR. SAILOR: Hey, don't cut me off
10 when I'm talking, man.

11 MS. SAILOR: Pistachio cupcakes.
12 No, you don't hear yourself the way I hear
13 you. You start, um, well, uh, uh --

14 MR. SAILOR: Alright, what I'm
15 saying, if you wait a second, don't cut me off
16 in the middle of my sentence while I'm
17 talking, man.

18 MS. SAILOR: Because I'm trying to
19 stop you from making yourself look worse.

20 MR. SAILOR: What you mean, make
21 myself look worse?

22 MS. SAILOR: Because we're
23 explaining to him that we really were together
24 all day. We really were together, but you're
25 not telling him.

1 MR. SAILOR: Because if you would
2 stop talking over me. He already know this.
3 We talked about this shit on the visit.

4 MS. SAILOR: Okay, fine.

5 MR. SAILOR: That's all I'm trying
6 to do. You just speaking like me and this man
7 never told me. We just sat for three hours
8 and talked about all that shit on the visit.

9 MS. SAILOR: Shut the fridge.
10 Okay, I'm sorry. I was just -- me listening
11 to you. Yeah, I need them. Me listening to
12 you and knowing the story. When you're
13 talking about it and you're fumbling over your
14 words, you sound like you have a guilty
15 conscience.

16 Close the fridge. Stop.

17 And I'm only doing it to help. I'm
18 sorry.

19 MR. SAILOR: I ain't saying you
20 weren't trying to help. I'm just saying, man,
21 like -- I never said you weren't trying to
22 help.

23 AUTO ATTENDANT: This call is
24 originating from an Ohio Correctional Facility
25 and may be recorded and monitored.

1 MS. SAILOR: What did you say?

2 MR. SAILOR: I never said you
3 weren't trying to help, Amy.

4 MS. SAILOR: I know, that's not
5 what I mean. Relax.

6 MR. SAILOR: I don't know why that
7 shit won't let me call collect.

8 MS. SAILOR: Well, that \$20 on
9 there is from my account.

10 MR. SAILOR: That's why I asked,
11 but you said, no, like dude, what that mean?
12 How'd that shit work out?

13 MS. SAILOR: The bank's just gonna
14 give me my money back. The money's gonna stay
15 on his phone, though.

16 MR. SAILOR: And that's it?

17 MS. SAILOR: Yes.

18 MR. SAILOR: So who paid for the
19 money?

20 MS. SAILOR: I don't know how that
21 shit works. I think the bank just gives it
22 back to you.

23 MR. SAILOR: Huh?

24 MS. SAILOR: I think the bank just
25 gives a back to you.

1 MR. SAILOR: So the bank take a
2 loss?

3 MS. SAILOR: The bank is going to
4 take a loss.

5 MR. SAILOR: Huh?

6 MS. SAILOR: The bank is going to
7 take a loss.

8 MR. SAILOR: That's what I just
9 said.

10 MS. SAILOR: Go down there then,
11 Olivia.

12 MR. SAILOR: Man, those
13 motherfuckers faking, man, they trying to
14 cover their ass.

15 MS. SAILOR: Right.

16 MR. SAILOR: I mean, but do they
17 really think that right there, and make the
18 motherfucker just drop their whole story
19 though? Be like, oh, well fuck it, they
20 didn't investigate it again, so I'm just gonna
21 forget about it.

22 MS. SAILOR: Right.

23 MR. SAILOR: I don't believe him.

24 MS. SAILOR: No, I don't -- I
25 don't know.

1 MS. SAILOR: I mean, I just, I
2 mean -- I don't want to sound like negative or
3 nothing like that, but it's just certain
4 procedures you go through, you know what I'm
5 saying to prove that. They ain't talk to me
6 or Kim. What could they be investigating?
7 The first time they went over it, they
8 basically said they already read my
9 transcripts already, right?

10 MS. SAILOR: Right.

11 MR. SAILOR: Because they saying
12 my application is being contradicted. So
13 ain't nothing left for you to do but speak to
14 the actual people involved, be it my lawyer,
15 Cordell; you know what I'm saying? Like,
16 ain't nothing to investigate.

17 MS. SAILOR: Well, I think they're
18 going to force them to --

19 AUTO ATTENDANT: This call is
20 originating from an Ohio Correctional Facility
21 and may be recorded and monitored.

22 MS. SAILOR: It's going to force
23 them to, like -- what's the word? Like review
24 it, and review it, and like follow like their
25 proper procedure.

1 MR. SAILOR: Procedure.

2 MS. SAILOR: Yeah, you know --
3 stop. Or it's gonna --

4 MR. SAILOR: They might just try
5 to stall it out.

6 MS. SAILOR: It's gonna reveal
7 them to be liars.

8 MR. SAILOR: They should have
9 never told him that.

10 MS. SAILOR: Right. Yeah, that's
11 something that -- that's something that, like,
12 Kim could never get from them. Something like
13 on file, on record, saying that they're going
14 to do this, that, and the other. And now
15 they're telling him, specifically, that
16 they're gonna -- that they're reviewing it.

17 MR. SAILOR: They saying they
18 already -- it's already being reinvestigated
19 right now.

20 MS. SAILOR: That's what it sounds
21 like. That's what it seemed like.

22 MR. SAILOR: That's bullshit. Is
23 your day (inaudible)?

24 MS. SAILOR: Uh-huh.

25 MR. SAILOR: Both of them?

1 MS. SAILOR: Uh-huh. Did your
2 mail smell good?
3 MR. SAILOR: Huh?
4 MS. SAILOR: Did your mail smell
5 good?
6 MR. SAILOR: No, it stink. Kids,
7 of course, smell good.
8 MS. SAILOR: Mine stink.
9 MR. SAILOR: Yeah. They smell
10 like shit. Bullshit.
11 MS. SAILOR: Hater.
12 MR. SAILOR: Who? I ain't never
13 been known to hate. I can't believe dude
14 tried to assassinate my name like that, man,
15 that shit hurts.
16 MS. SAILOR: Oh yeah, what,
17 that's, what? Hold on.
18 MR. SAILOR: What?
19 MS. SAILOR: Hold on, man.
20 MR. SAILOR: Hello?
21 MS. SAILOR: Hello? Hello? Oh,
22 yeah, no, no, no. Sorry, my headphones came
23 out of my ear and I didn't realize that they
24 got unplugged a little bit.
25 MR. SAILOR: Man, dude, dude

1 claiming that --

2 MS. SAILOR: Dude? What dude?

3 MR. SAILOR: The corn boy nigga,
4 the broke ass nigga, that borrowed the money
5 and never paid it back. The nigger who I'm
6 down here for oh.

7 MS. SAILOR: Oh my God, are you
8 serious?

9 MR. SAILOR: Yeah, he claimed that
10 I played you --

11 MS. SAILOR: Who was he claiming
12 this to?

13 MR. SAILOR: I'm saying that
14 don't -- it don't -- all that don't matter. I
15 made you tell on him, like you told on him. I
16 made you turn on him. I told you to turn on
17 him, and that's why he lost his job.

18 AUTO ATTENDANT: You have one minute
19 remaining.

20 MR. SAILOR: And then he don't
21 give a fuck.

22 MS. SAILOR: (Inaudible) himself
23 though. He's making himself sound stupid
24 because there wasn't nothing to tell on.

25 MR. SAILOR: He made all this

1 money. (Unintelligible) but he making it
2 sound like he was doing all this shit, and he
3 make --

4 AUTO ATTENDANT: This call is
5 originating from an Ohio correctional facility
6 and may be recorded and monitored.

7 MR. SAILOR: He making it like he
8 made all this money, and then the shit hit the
9 fan, you told on him. That's why he got
10 fired, but he don't give a fuck 'cause he up.

11 MS. SAILOR: Man, whatever. I
12 wish I knew his name so I could look him up
13 and dog his ass.

14 AUTO ATTENDANT: Thank you for using
15 GTL.

16 (End of recording.)

17 - - -

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1 State of Ohio,)
2 County of Cuyahoga.) SS:

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4 C E R T I F I C A T E

5
6 I, Steven Mengelkamp, do hereby certify
7 that I have transcribed the proceedings
8 of the jail call between Ru-El Sailor,
9 Amy Sailor and Kyle Swenson, recorded on
10 June 17, 2016; and that the foregoing is a
11 true and accurate transcript made to the best
12 of my ability.

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